

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/6/2021

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X-	:	
UNITED STATES OF AMERICA,	:	18 CR 767 (VM)
	:	
-against-	:	
	:	ORDER
ADRIAN FISEKU,	:	
	:	
Defendant.	:	
-----X-	:	

VICTOR MARRERO, U.S.D.J.:


On January 5, 2021, counsel for the Government requested an adjournment of the sentencing in this matter scheduled for January 22, 2021 at 11:00 a.m. (See Dkt. No. 184.) The Government argues that the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") does not permit sentencing to move forward remotely in this matter because Defendant Adrian Fiseku ("Fiseku") is on pretrial release and would not be prejudiced by an adjournment. (Id.) Defense counsel opposes this request, arguing that Defendant Adrian Fiseku has already been on home confinement for seventeen months, and would be prejudiced by the specter of potentially indefinite home confinement. (See Dkt. No. 185.)

Given the evolving nature of the COVID-19 pandemic and that it remains uncertain when the Court can resume in-person proceedings, Fiseku would be forced to remain in home confinement for a currently unknown amount of time. This time is not credited to his eventual sentence. The Court is

therefore persuaded that sentencing in this matter "cannot be further delayed without serious harm to the interest of justice." CARES Act, Section 15002 (b). The Court denies the Government's request.

SO ORDERED:

Dated: New York, New York
6 January 2021



Victor Marrero
U.S.D.J.